

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 15-850V

Filed: November 18, 2015

Unpublished

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JENNIFER HENDRICKS,

Petitioner,

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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Ruling on Entitlement; Concession;  
Influenza ("Flu") Vaccine; Shoulder  
Injury Related to Vaccine  
Administration ("SIRVA"); Special  
Processing Unit ("SPU")

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*Curtis R. Webb, counsel for petitioner.*

*Lisa Ann Watts, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On August 10, 2015, petitioner filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> [the "Vaccine Act"]. Petitioner alleges that as a result of a trivalent influenza ("flu") vaccine she received on October 15, 2014, petitioner developed a shoulder injury related to vaccination (SIRVA). Petition at 1. This case was assigned to the Special Processing Unit (SPU) of the Office of Special Masters.

On November 18, 2015, respondent filed the Rule 4(c) report in conceding that petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. Specifically, respondent states that "petitioner's SIRVA was more likely than not caused by the October 15, 2014, flu vaccination," and that "petitioner has satisfied all legal prerequisites for compensation under the Act." *Id.* at 5.

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<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

**In view of respondent's concession and the evidence before me, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master